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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,

Case No. CR06-26-RSL

12 v.

13 MERHAWI HAGOS HAILE,
14 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

15 **INTRODUCTION**

16 I conducted a hearing on alleged violations of supervised release in this case on November
17 28, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States
18 was represented by Andrew Friedman, and defendant was represented by Lee A. Covell. Also
19 present was U.S. Probation Officer Leona Nguyen. The proceedings were digitally recorded.

20 **SENTENCE AND PRIOR ACTION**

21 Defendant was sentenced on September 6, 2006, by the Honorable Robert S. Lasnik for
22 Conspiracy to Distribute Cocaine Base. He received 84 months of detention and 5 years of
23 supervised release. On April 8, 2008, his sentence was reduced to 68 months. Additionally, 5
years of supervised release was imposed with all the standard conditions and the following
special conditions: 1) drug aftercare; 2) search; 3) financial disclosure; 4) no association with any

1 known gang members; 5) mental health aftercare to include MRT; and 6) if deported, the
2 defendant shall not enter the United States unless granted permission.

3 **PRESENTLY ALLEGED VIOLATIONS**

4 In a petition dated August 11, 1011, U.S. Probation Officer Jennifer Tien alleged that
5 defendant violated the following conditions of supervised release:

- 6 1. Failing to work at a lawful occupation since April 2011, in violation of standard
7 condition number 5.
- 8 2. Failing to report a change in residence 10 days prior to any change, in violation of
9 standard condition number 6.
- 10 3. Failing to report a change in employment 10 days prior to any change, in violation
11 of standard condition number 6.
- 12 4. Failing to report to his probation officer on June 8, 2011, and June 9, 2011, in
13 violation of standard condition number 2.
- 14 5. Failing to report to his probation officer on July 29, 2011, in violation of standard
15 condition number 2.
- 16 6. Failing to provide a valid urine sample as instructed by stalling, on August 3, 2011,
17 in violation of the special condition of drug testing.

18 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

19 Defendant admitted to violation number 3 and waived any hearing as to whether it occurred.
20 Defendant denied violation allegations 1, 2, 4, 5, and 6. The matter is set for an evidentiary and
21 disposition hearing on December 13, 2011 at 8:30 a.m. before District Judge Robert S. Lasnik

22 **RECOMMENDED FINDINGS AND CONCLUSIONS**

23 Based upon the foregoing, I recommend the court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 28th day of November, 2011.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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